



BY FACSIMILE TO (215) 814-5102
AND FIRST CLASS MAIL

February 23, 2015

Regional Freedom of Information Officer
U.S. Environmental Protection Agency, Region 3
1650 Arch Street (3CG10)
Philadelphia, PA 19103

Re: FOIA Request: Philadelphia Energy Solutions Facility

Dear Regional Freedom of Information Officer:

I hereby request, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the following records:

- 1. Any and all consent decrees currently in force and effect or dated January 1, 2010 to the present entered by the Environmental Protection Agency ("EPA") and relating to the facility located at 3144 West Passyunk Avenue, Philadelphia, PA 19145 ("PES Refining Complex").**
- 2. Any and all permits in force and effect issued under the Title V program or other provisions of the Clean Air Act relating to the PES Refining Complex.**
- 3. Any pending applications for new or modified permits under the Title V program of the Clean Air Act relating to the PES Refining Complex.**
- 4. Any and all permits in force and effect issued under the Clean Water Act relating to the PES Refining Complex.**
- 5. Any pending applications for new or modified permits under the Clean Water Act relating to the PES Refining Complex.**
- 6. Any records relating to stormwater discharges, any other discharges, or lack thereof, on or off the site, including any federal permits authorizing the discharge of stormwater or any other discharge from the PES Refining Complex.**

DELAWARE RIVERKEEPER NETWORK
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- 7. Any records relating to a stormwater pollution prevention plan and any emergency preparedness or contingency plan for the PES Refining Complex.**
- 8. Any and all documents relating to evaluations or clean-up activities taken pursuant to the Resource Conservation and Recovery Act relating to the PES Refining Complex.**
- 9. Any and all documents relating to any violations or potential violations by, noncompliance at, or enforcement actions taken by EPA relating to the PES Refining Complex from January 1, 2010 to the present.**

The requested documents include, without limitation, communications, including e-mail, among staff at EPA Region III, communications with staff at the Pennsylvania Department of Environmental Protection, EPA Headquarters and other EPA offices, and all other State, Federal, municipal, and private agencies, entities, individuals, and organizations. The requested documents include all responsive documents in EPA Region III's possession, regardless of their source. If possible, please provide the records in electronic format, either by email (corinne@delawareriverkeeper.org) or contained on a CD, mailed to Corinne Bell, Delaware Riverkeeper Network, 925 Canal Street, Suite 3701, Bristol, PA 19007.

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), I seek a fee waiver for the search and production costs associated with this request. Delaware Riverkeeper Network is a non-profit environmental organization with no commercial interest in the requested information. Disclosure of information regarding the PES Refining Complex's air, water, and waste permits and past and present compliance with environmental statutes and regulations is in the public interest.

First, the information requested concerns the operations or activities of the federal government. Under the Clean Air Act ("CAA"), Clean Water Act ("CWA"), and Resource Conservation and Recovery Act ("RCRA"), EPA is tasked with ensuring that facilities such as the PES Refining Complex do not operate in a manner that will endanger the public health and welfare or degrade the area's air and water quality. EPA Region III's administration and enforcement of this facility's permits and its activities under federal environmental statutes clearly are operations or activities of the federal government.

Second, the requested information is likely to be meaningfully informative regarding EPA Region III's oversight of the PES Refinery Complex. The effective administration of the CAA, CWA, and RCRA depends upon EPA adequately monitoring industrial facilities such as the PES Refinery Complex that produce significant amounts of air and water pollution and waste. Thus, obtaining disclosure of the requested documents will provide significantly more information to the public about this important government function.

Third, disclosure of the requested information will contribute to public understanding of EPA's oversight of refineries such as the PES Refinery Complex. Delaware Riverkeeper Network ("DRN") will disseminate the disclosed information to the public and will use the

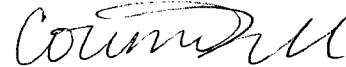
information to inform its membership, coalition partners and their members about the role EPA is playing in curbing pollution from refineries in the Region III area. DRN will do this through a number of tools, including its Internet site, email communications to coalition partners, and press releases. In addition, DRN is in close contact with grassroots organizations in the Philadelphia area. These groups want to understand how EPA Region III is fulfilling its air and water quality oversight duties and want to ensure that facilities such as the PES Refinery Complex do not endanger the health and wellbeing of nearby communities. DRN has extensive expertise related to the regulation of water and other pollution and the oil and gas industry and is well prepared to evaluate and interpret the disclosed information for these groups and for our members in a manner that will be most useful for them, as well as for the general public. DRN staff also can disseminate newsworthy information obtained from this request to the media and provide relevant information obtained from this request to elected officials at the federal, state, and municipal levels.

Fourth, the requested information will contribute significantly to the public's understanding of EPA Region III's operations and activities relating to its oversight of refineries. Currently, the public does not have access to the permits that apply to the PES Refining Complex or materials about compliance and enforcements relating to this facility. As a result, public understanding of EPA's oversight of the PES Refining Complex will benefit significantly from disclosure of the requested documents.

Finally, our request does not involve any commercial interest which would be furthered by disclosure. DRN is a non-profit public interest organization dedicated to protecting public health and the environment in the Delaware River basin. DRN has no commercial, trade, or profit interest in disclosure of the requested information. The primary interest in obtaining disclosure of this information is to inform members, grassroots organizations, and the public at large about EPA Region III's activities in overseeing the PES Refining Complex.

Please feel free to call me to discuss any aspect of this request, particularly any means of response that might lessen the burden on your agency. You can reach me at 215-369-1188 ext. 118. As required by FOIA, a response to this request must be made within **20 working days** of your receipt of this letter (5 U.S.C. § 552(a)(6)(A)(i)). Thank you for your assistance.

Sincerely yours,



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